

20098. Adulteration of butter. U.S. v. 81 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 28622. Sample No. 9437-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard prescribed by Congress.

On July 29, 1932, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 81 tubs of butter, remaining in the original unbroken packages at Boston, Mass., consigned about July 24, 1932, alleging that the article had been shipped in interstate commerce by the Mandan Creamery & Produce Co., from Mandan, N.Dak., to Boston, Mass., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, which the article purported to be.

On September 12, 1932, the Mandan Creamery & Produce Co., Mandan, N.Dak., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the said claimant, to be reworked under the supervision of this Department so that it contain at least 80 percent of butterfat, upon payment of costs and the execution of a bond in the sum of \$1,200, conditioned that it should not be sold or disposed of contrary to the provisions of the the Federal Food and Drugs Act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20099. Adulteration and misbranding of butter. U.S. v. 13 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 28583. Sample No. 11984-A.)

This case involved the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard prescribed by Congress.

On July 22, 1932, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 13 tubs of butter, remaining in the original packages at Brooklyn, N.Y., alleging that the article had been shipped in interstate commerce on or about July 20, 1932, by the Hopkinton Creamery Co., from Hopkinton, Iowa, to Brooklyn, N.Y., and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive and specific name of "butter", whereas it was not butter, since it contained less than 80 percent by weight of butterfat.

The Great Atlantic & Pacific Tea Co. interposed a claim for the property as agent for the Hopkinton Creamery Co., Hopkinton, Iowa, admitted the allegations of the libel, consented to the entry of a decree, and agreed that the product be reconditioned so that it contain at least 80 percent of butterfat. On August 2, 1932, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$300, conditioned in part that it be reworked so that it comply with the Federal Food and Drugs Act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20100. Adulteration of coriander seed. U.S. v. 25 Bags of Coriander Seed. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 28591. Sample No. 10089-A.)

This action involved an import shipment of coriander seed. Examination of the article showed the presence of rodent excreta.

On August 5, 1932, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 25 bags of coriander seed at New York, N.Y.,

alleging that the article had been shipped on or about January 20, 1932, by Charles Thomhill & Co., Ltd., from London, England, to New York, N.Y., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On September 15, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20101. Adulteration and misbranding of butter. U.S. v. 4 Cases of Butter. Default decree of condemnation and forfeiture. Product delivered to welfare association. (F. & D. No. 28614. Sample No. 1563-A.)

This case involved the shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter provided by Congress.

On July 27, 1932, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of four cases each containing 60 pounds of butter, remaining in the original unbroken packages at Longview, Wash., alleging that the article had been shipped in interstate commerce, on or about July 25, 1932, by the Mount Angel Cooperative Creamery, from Portland, Oreg., to Longview, Wash., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Carton) "Delicious Meadow-Dew Butter Oregon Creamery Butter."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

Misbranding was alleged for the reason that the article was labeled butter, which was false and misleading in that it contained less than 80 percent of milk fat.

On September 8, 1932, no claim having been interposed, and the Mount Angel Cooperative Creamery having requested that the product be disposed of for charitable purposes, default judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the local welfare association.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20102. Adulteration of canned frozen eggs. U.S. v. 363 Cans of Frozen Eggs. Consent by claimant to decree of condemnation and forfeiture. Product ordered released under bond for separation and destruction of unfit portion. (F. & D. No. 28609. Sample No. 7190-A.)

This action involved the shipment of a quantity of frozen eggs that were found to be in part decomposed.

On August 9, 1932, the United States attorney for the Middle District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 363 cans of frozen eggs at Montgomery, Ala., consigned by the Mid-West Ice & Cold Storage Co., alleging that the article had been shipped in interstate commerce, on or about December 3, 1931, from Kansas City, Mo., to Montgomery, Ala., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Fleischmann's Spring Laid Whole Eggs Frozen."

It was alleged in the libel that the article was adulterated in that examination showed the presence of decomposition.

On August 15, 1932, Standard Brands, Inc., New York, N.Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree of condemnation and forfeiture, judgment was entered ordering that the product be delivered to the claimant upon the execution of a good and sufficient bond, conditioned that the good portion be separated from the bad portion, that the former be released, and the unfit portion destroyed. It was further ordered that claimant pay all costs of the proceedings.

R. G. TUGWELL, *Acting Secretary of Agriculture.*